



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 31.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A (MD) No.1153 of 2017
and
C.M.P. (MD) .No.8105 of 2017

RM.N.RM.Arunachalam

.. Appellant/Petitioner

Vs.

The Assistant Engineer,
TANGEDCO,
Kanadukathan, Karaikudi Taluk.

.. Respondent/Respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letter Patent Act, against the order dated 21.08.2017 made in W.P.(MD).No.15003 of 2017, on the file of this Court.

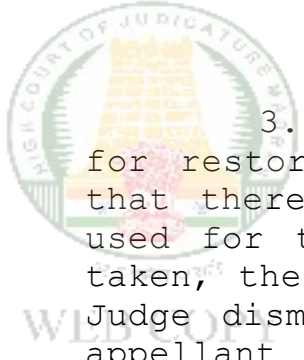
For Appellant : Mr.RM.Arun Swaminathan
For M/S.Chettinad Legal Solutions
For Respondent : Mrs.S.Sreemathy,
Standing Counsel for TNEB

JUDGMENT

[Judgment of the Court was delivered by **K.K.SASIDHARAN, J.**]

This Intra-Court Appeal is directed against the order dated 21.08.2017 in W.P.(MD).No.15003 of 2017, dismissing the Writ Petition filed by the appellant for issuance of a Writ of Mandamus to restore the electricity connection, which stood in the name of his father Thiru.RM.N.Ramasamy.

2. The Electricity Department, pursuant to the application made by RM.N.Ramasamy., to issue service connection to the Chettinad Heritage House situated at Athangudi Village, Karaikudi Taluk, Sivagangai District, effected service connection. The service holder is no more. There was a dispute among the children of Thiru.RM.N.Ramasamy. and a Civil Suit in O.S.No.60 of 2009 came to be filed before the Sub-Court, Devakottai, which was dismissed.



3. The appellant made an application before the respondent for restoration of electricity service connection on the ground that there is a marriage in the family and the house should be used for the said purpose. Since there was no follow up action taken, the appellant filed W.P(MD).No.15003 of 2017. The learned Judge dismissed the said Writ Petition. Feeling aggrieved, the appellant has come up with this intra-Court appeal.

4. We have heard the learned counsel appearing for the appellant. We have also heard the learned Standing Counsel appearing for the respondent.

5. There is no dispute that the electricity service connection was given by the respondent in the name of Thiru.RM.N.Ramasamy., who is stated to be the father of the appellant. Since the arrears was not paid, the respondent disconnected the supply. The appellant is now prepared to pay the entire amount of arrears for restoration of service connection. The immediate necessity for restoration of service connection appears to be a marriage in the family. The appellant is not claiming any right or equity on account of the restoration of the service connection. We are, therefore, of the view that the appellant should be permitted to pay the entire arrears. The respondent is directed to inform the appellant about the total arrears by tomorrow (01.09.2017) morning. The appellant shall pay the amount forthwith, which should be inclusive of restoration charges. The respondent shall reconnect the service connection within two hours, after receiving the payment. We make it clear that there shall be no equity in favour of the appellant on account of providing service connection by the respondent.

6. The Writ Appeal is allowed, as indicated above. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To:

The Assistant Engineer,
TANGEDCO,
Kanadukathan,
Karaikudi Taluk.

+1cc to Mr.RM.ARUN SWAMINATHAN, Advocate, SR.75554

+1cc to Mr.S.M.S.JOHNNY BASHA, Advocate, SR. 75767

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31.08.2017